



City of Greenville

Going Out Of Business Sale Application

Business License Division P.O. Box 2207, Greenville, SC 29602

This application must be completed and returned with full payment.

1. Business Name, Billing Address, and Phone:	2. Street Address and Phone:

	3. Date Sale is to Begin:

	4. Federal Id or Social Security Number:

5. Ownership (check one): ____ Corporation ____ Individual ____ Partnership	6. Business Category: _____ 7. Certificate of Occupancy #:
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Please answer the following:

1. Where is the going out of business sale to be held? _____
2. What form of advertisement will be used? (please include proposed language to be used in ads) _____
3. What is the effective date of termination of occupancy? _____ Date business will be closed _____
4. Do you own, lease, or sublease? _____
5. Please provide a current inventory list.

Explanation of Fees:

1. The City requires a \$1000 cash or money order bond as a deposit for the sale.
2. The Fee is based on the value of inventory on hand:
\$25,000.00 at cost or less \$50
\$25,000.01 at cost or more \$100 \$ _____

Please note:

*This license is valid for a period not to exceed 30 days. However, if inventory exceeds \$50,000 in value, the license is valid for a period not to exceed 60 days.

*The receipt from the going out of business sale license must be displayed prominently at the sale location.

Name of Preparer: _____ Daytime Phone: _____

This is to certify that the above is a true statement of the business done or transacted at or through the above location. I am familiar with the City ordinance providing for penalties and revocation of this license for making fraudulent or false statements in this application. The books of this business are available for inspection by authorized agents of the city. The issuance of a Going out of Business Sale License is conditioned upon strict compliance with the ordinances of the City of Greenville and failure to comply may result in revocation in addition to other remedies.

Business, firm or corp. name

X _____
Signature of applicant and title

Date



Going Out of Business Sale Instructions

1. Businesses must have an active Business License and fill out a “Going Out Of Business Sale Application”, and pay appropriate fees.
2. Businesses are subject to all ordinances of the City of Greenville, including, but not limited to, the sections of the ordinance below.

ARTICLE VII. GOING OUT OF BUSINESS SALES

Sec. 8-211. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Inspector means the license inspector of the city.

License means a license issued pursuant to this article.

Licensee means any person to whom a license has been issued pursuant to this article.

Publish, publishing, advertisements and advertising mean any and all means of conveying to the public notice of a sale, or notice of intention to conduct a sale, whether by word of mouth, newspaper advertisement, magazine advertisement, handbill, circular, pamphlet, written notice, printed notice, printed display, billboard display, poster, radio or television announcement, radio or television program, recordings, or any and all other means, including oral, written or printed means.

Sale means the sale or an offer to sell to the public goods, wares and merchandise of any and all kinds and descriptions on hand and in stock in connection with a declared purpose, as set forth by advertising on the part of the seller that such sale is anticipatory to the termination, closing, liquidation, removal, revision, wind-up, discontinuance, conclusion or abandonment of the business in connection with such sale. The term shall also include any sale advertised, either specifically or in substance, to be a fire sale, smoke and water damage sale, adjustment sale, creditor's sale, trustee's sale, bankrupt sale, save-us-from-bankruptcy sale, insolvent sale, insurance salvage sale, mortgage sale, assignee's sale, adjustor's sale, loss-of-lease sale, receiver's sale, forced-out-of-business sale, or removal sale, and any and all sales advertised in such a manner as to reasonably convey to the public that upon the disposal of the stock of goods on hand the business will cease and be discontinued.

(Code 1985, § 6-10-1) Cross reference(s)--Definitions generally, § 1-2.

Sec. 8-212. Exemptions.

The provisions of this article shall not apply to or affect the following persons:

- (1) Persons acting pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officers, such as sheriffs, bailiffs or marshals.
- (3) Duly licensed auctioneers selling at auction.
- (4) Executors, guardians, assignees of insolvent debtors, bankrupts or other persons required by law to sell such property.

(Code 1985, § 6-10-2)

Sec. 8-213. License required.

No person shall publish or conduct any sale coming under the provisions of this article without first having procured a license therefor.

(Code 1985, § 6-10-3)

Sec. 8-214. Authority of revenue administrator.

The revenue administrator is hereby authorized and empowered to supervise or regulate sales or special sales coming under the provisions of this article, and to issue appropriate licenses therefor upon proper application.

(Code 1985, § 6-10-4)

Sec. 8-215. Application for license; submission of inventory.

(a) Application for a license required by this article shall be made to the revenue administrator on a form to be approved by the council, and shall be in writing and verified by the applicant. Such application shall contain a description of the place where such sale is to be held, the nature of the occupancy, whether by ownership, lease or sublease, and the effective date of termination of such occupancy, and the means to be employed in publicizing such sale, together with the proposed language contained in any advertisement.

(b) Such application shall further contain, as a part thereof, an itemized list of the goods, wares and merchandise to be offered for sale, why such goods, wares and merchandise are to be sold under such descriptive name or title, and in what manner such name is truthfully descriptive of such sale, the place where such stock was purchased or acquired, and if not purchased, the manner of such acquisition and when acquired, and also the date of delivery thereof to the applicant. It shall be unlawful for any applicant to submit information in such application which is incorrect, inaccurate, fraudulent or misleading; and any license issued on the basis of such application shall be immediately canceled by the revenue administrator and surrendered by the licensee.

(Code 1985, § 6-10-5)

Sec. 8-216. Goods that may be included in inventory.

(a) All goods included in the inventory filed with the application for a license required by this article shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.

(b) Such inventory shall not include goods ordered in contemplation of conducting a sale regulated by this article. Any unusual purchase or additions to the stock of goods of the business affected by this article within 15 days before the filing of an application under this article shall be deemed to be of such character.

(Code 1985, § 6-10-6)

Sec. 8-217. Bond.

Before a license shall be issued by the revenue administrator under an application filed pursuant to this article, the applicant shall execute and deliver to the city a bond in the currently required amount, signed by such applicant, and also signed by a surety company duly authorized to transact business in the state, which bond shall be conditioned upon the faithful observance of the provisions of this article and also conditioned to reimburse and indemnify any purchaser at any such sale, as provided for in this article, duly held by such licensee, for any loss incurred or damage sustained by such purchaser by reason of misrepresentation or fraud in the sale of any such goods, wares or merchandise.

(Code 1985, § 6-10-7)

Sec. 8-218. License fee.

Upon filing an original application for a license to advertise and conduct a sale or special sale, the applicant shall pay the currently required license fee which is set from time to time by the council. If any such application is disapproved, one-half of such payment shall be forfeited to the city as and for the cost of investigating the statements in such application or renewal application.

(Code 1985, § 6-10-8)

Sec. 8-219. Investigation of applicant; issuance of license.

(a) Upon receipt of an application filed pursuant to this article and payment of the fee prescribed in this article, the revenue administrator shall cause the application to be examined and investigated.

(b) If, upon investigation, the facts as represented by the application are found to conform to the representations thereof, and the advertising proposed to be used truly represents such facts and is not fraudulent or misleading to the public, the revenue administrator shall issue a license permitting the publication and conduct of such sale.

(Code 1985, § 6-10-9)

Sec. 8-220. Display of license; inspection of merchandise; required language in advertisements; records of sale.

Upon commencement of any sale, the license issued by the revenue administrator shall be prominently displayed at or near the entrance to the premises. A duplicate original of the application and inventory pursuant to which such license was issued shall at all times be available to the revenue administrator or to the license inspector, and the licensee shall permit such inspector to examine all merchandise in the premises for comparison with such inventory at any and all times during the period of such sale. All advertisements or advertising, and the language contained therein, shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued, and the wording of such advertisement shall not vary from the wording as indicated in the application. Such advertising shall contain a statement in these words: "Sale held pursuant to License No. _____ of the revenue administrator, granted the _____ day of _____, _____," and in such blank spaces shall be indicated the license number and the requisite dates. Books and records of the sale shall be kept by the licensee and shall at all times be available to the license inspector.

(Code 1985, § 6-10-10)

Sec. 8-221. Expiration of license.

A license issued pursuant to this article shall be for a period not to exceed 30 days; provided, however, if the stock of goods on hand inventories at cost or less in an amount in excess of \$50,000.00, the license provided for in this article shall be for a period not to exceed 60 days.

(Code 1985, § 6-10-11)

Sec. 8-222. Fraudulent or misleading advertising.

It shall be unlawful for a licensee pursuant to this article to advertise or cause to be advertised goods, wares or merchandise for a sale which do not conform to the representations of the advertisement. It shall be unlawful for any such licensee to publish or cause to be published advertising falsely representing the reason for such sale. It shall be unlawful for any person conducting such a sale to add any goods to the inventoried stock thereof, or to sell any goods, except those in the original inventory, while representing the goods, by advertising, inference or otherwise, as being a part of the goods advertised for sale as authorized in this article.

(Code 1985, § 6-10-12)

Sec. 8-223. Weekly reports to license inspector.

At the conclusion of each week of a sale, or the continuation thereof, the licensee shall report to the city license inspector the approximate proportion of the original inventory of the goods sold, and shall furnish him with a revised inventory thereof.

(Code 1985, § 6-10-13)